

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference Cube-0001	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2004/033851	International filing date (day/month/year) 14/10/2004	(Earliest) Priority Date (day/month/year) 14/10/2003
Applicant CUBE MEDICAL A/S		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 05 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☒ Certain claims were found unsearchable (See Box II).

3. ☐ Unity of invention is lacking (see Box III).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 7

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61L29/14 A61L29/16 A61F2/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61L

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, BIOSIS, PAJ, EMBASE, MEDLINE, COMPENDEX

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 01/26702 A (THE UNIVERSITY OF AKRON) 19 April 2001 (2001-04-19) page 4, line 26 - line 30 page 5, line 16 - line 31	1-31
Y	WO 02/49535 A (NICAST LTD; DUBSON, ALEXANDER; BAR, ELI) 27 June 2002 (2002-06-27) example 1	1-31
-/-		

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

S document member of the same patent family

Date of the actual completion of the international search

7 March 2005

Date of mailing of the international search report

14/03/2005

Name and mailing address of the ISA
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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	PULFER S K ET AL: "INCORPORATION OF NITRIC OXIDE-RELEASING CROSSLINKED POLYETHYLENIMINE MICROSPHERES INTO VASCULAR GRAFTS" JOURNAL OF BIOMEDICAL MATERIALS RESEARCH, WILEY, NEW YORK, NY, US, vol. 37, no. 2, November 1997 (1997-11), pages 182-189, XP000978327 ISSN: 0021-9304 the whole document	1-31
A	EP 1 300 424 A (MEDTRONIC AVE INC) 9 April 2003 (2003-04-09) the whole document	1-31

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2004/033851

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 29-31 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the product.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this International application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No.

PCT/US2004/033851

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 0126702	A	19-04-2001	US 6737447 B1 AT 237372 T AU 8000600 A CA 2386765 A1 DE 60002227 D1 DE 60002227 T2 DK 1220694 T3 EP 1220694 A2 WO 0126702 A2 US 2004131753 A1	18-05-2004 15-05-2003 23-04-2001 19-04-2001 22-05-2003 08-04-2004 11-08-2003 10-07-2002 19-04-2001 08-07-2004
WO 0249535	A	27-06-2002	US 2002084178 A1 AU 1634002 A AU 1634202 A AU 2249402 A CA 2432156 A1 CA 2432159 A1 CA 2432164 A1 CN 1489513 A EP 1353606 A2 EP 1355677 A2 WO 0249678 A2 WO 0249535 A2 WO 0249536 A2 JP 2004532665 T JP 2004529673 T MX PA03005551 A MX PA03005552 A US 2004053553 A1 EP 1377419 A2 EP 1377420 A2 EP 1377421 A2 WO 02074189 A2 WO 02074190 A2 WO 02074191 A2 JP 2004530054 T JP 2004531652 T JP 2004525272 T US 2004096532 A1 US 2004096533 A1 US 2004094873 A1 US 2004030377 A1 US 2004054406 A1	04-07-2002 01-07-2002 01-07-2002 01-07-2002 27-06-2002 27-06-2002 27-06-2002 14-04-2004 22-10-2003 29-10-2003 27-06-2002 27-06-2002 27-06-2002 28-10-2004 30-09-2004 24-10-2003 24-10-2003 18-03-2004 07-01-2004 07-01-2004 07-01-2004 26-09-2002 26-09-2002 26-09-2002 30-09-2004 14-10-2004 19-08-2004 20-05-2004 20-05-2004 20-05-2004 12-02-2004 18-03-2004
EP 1300424	A	09-04-2003	US 2003077243 A1 EP 1300424 A1 JP 2003201313 A	24-04-2003 09-04-2003 18-07-2003